

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

RANSOM PARRIS,

Plaintiff,

v.

CIVIL ACTION NO. 1:07cv23
(Judge Keeley)

**CARRIE NUZUM,
SHERRI DAVIS,
TERESA CURRIE**

Defendants.

REPORT AND RECOMMENDATION

This case came before the Court on February 20, 2007, when the plaintiff's civil rights complaint was transferred from the United States District Court for the Southern District of West Virginia. On April 16, 2007, the Court received a letter from the Plaintiff in which he states that he would like to drop this suit. Plaintiff's letter was construed as a Motion to Dismiss and was docketed accordingly.

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the undersigned recommended the Plaintiff's Motion to Dismiss (dckt. 9) be **GRANTED** and this case be **DISMISSED without prejudice**. As well, the undersigned recommends that the Plaintiff's Motion for Leave to Proceed in forma pauperis (dckt. 8) be **DENIED** as moot.

Any party may file within ten (10) days after being served with a copy of this Recommendation with the Clerk of the Court written objections identifying the portions of the Recommendation to which objections are made, and the basis for such objections. A copy of such objections should also be submitted to the Honorable Irene M. Keeley, United States District Court. Failure to timely file objections to the Recommendation set forth above will result in waiver of the right to appeal from a

judgment of this Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).

The Clerk of Court is directed to mail a copy of this Recommendation to the *pro se* plaintiff and counsel of record, as applicable.

DATED: May 3, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE